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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: W. LINXWEILER et al.

Examiner: Y. D. PAK

Serial No.: 09/913,494

Group Art Unit: 1652

Filed: August 16, 2001

Title: GLUCOSE DEHYDROGENASE FUSION PROTEINS AND THEIR UTILIZATION IN EXPRESSION SYSTEMS

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REPLY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the office action dated March 26, 2003, applicants elect, with traverse, Group I (claims 1-3) drawn to a fusion protein comprising a glucose dehydrogenase.

It is respectfully submitted that the subject matter of the claims does have unity of invention (Groups I-IV relate to a fusion protein comprising a glucose dehydrogenase). For example, Groups III and IV are linked so as to form a single general inventive concept, use of the polypeptide of claim 1. Further, the polypeptides of Groups I, III and IV are disclosed as having common utilities, detection of a polypeptide which serves as a fusion partner. Furthermore, a search of the compounds of Groups I-IV would not represent a serious search burden for the patent office. Absent a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

DOCKET NO: MERCK-2289  
SERIAL NO: 09/913,494

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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